

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:23-CV-136-D-RJ

EPIC TECH, LLC and BLUE STREAK
BIDS, LLC,

Plaintiffs,

v.

RALEIGH STARTUP SOLUTIONS LLC,
et al.,

Defendants.

**CONSENT PERMANENT
INJUNCTION**

Plaintiffs Epic Tech, LLC (“Epic Tech”) and Blue Streak Bids, LLC (“Blue Streak”) filed their Verified Complaint [Doc. 1] seeking a preliminary injunction and other equitable relief arising from federal claims for copyright infringement, trademark infringement, and unfair competition. This matter is now before the Court on joint motion by Plaintiffs and Defendant Garret Hall for entry of this Consent Permanent Injunction. Having considered the record of this action, with the consent of the parties named herein and in accordance with Federal Rule of Civil Procedure 65(a), the Court makes the following findings:

1. Service of process was duly made on Hall. The Court has jurisdiction over Hall individually and has subject matter jurisdiction over the action.
2. Injunctive relief is authorized by both federal and state law for the claims raised in the Complaint. *See* 17 U.S.C. § 1322 (copyrights); 15 U.S.C. § 1116(a) (trademarks). To obtain injunctive relief, Plaintiffs must show “[1] that [it] is likely to succeed on the merits, [2] that [it] is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of

equities tips in [its] favor, and [4] that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

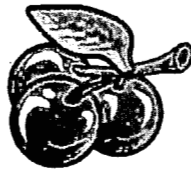

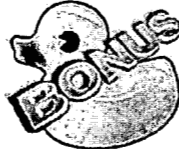

3. Upon review of the specific facts set forth in the Affidavits and Verified Complaint, and based upon the consent of the parties, the Court finds that permanent injunctive relief is appropriate in this action. Hall represents to the Court and to Plaintiffs that Hall has ceased use, distribution, and duplication of any intellectual property of Plaintiffs in any manner whatsoever. Hall willingly consents to entry of this permanent injunction to conclude Plaintiff’s claims as to him and as a material term of a confidential settlement agreement between the parties.


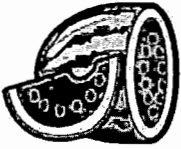
Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Garret Hall, his agents, servants, employees, confederates, and any person acting in concert or participation with him are prohibited directly or indirectly from:
 - a. Copying, reproducing, marketing, distributing, selling or otherwise using in any way, or aiding or assisting others in doing any of the foregoing, any reproduction, counterfeit, copy, or colorable imitation of the Epic System software known as “Legacy.” Such reproduction, counterfeit, copy or colorable imitation includes but is not limited to the software system known as “Phantom” or “Phoenix” whether known by that name or any other.
 - b. Operating or offering to the public, or aiding or assisting others in operating or offering to the public, any machines or online video or gaming systems or programs that use any reproduction, counterfeit, copy, or colorable imitation of the Epic System software known as “Legacy.” Such reproduction, counterfeit, copy or

colorable imitation includes but is not limited to the software system known as “Phantom” or “Phoenix” or any derivation of same.



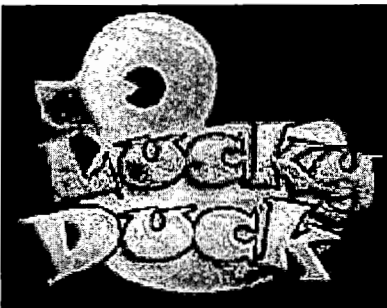
- c. Using, copying, reproducing, marketing, distributing, selling, or offering to the public any goods, materials, or tangible items that infringe upon any of the following copyrights:


Registration Number	Name	Copyrighted Work
VA0001779200	Cherries	
VA0001745457	Double Bonus Icon	
VA0001746300	Duck Bonus Icon	
VA0001745520	Lucky Duck Game Icons and Screen	

VA0001747784	Lucky Seven Icon	
VA0001779212	Watermelon	

- d. Using, copying, reproducing, marketing, distributing, selling, or offering to the public any goods, materials, or tangible items that infringe upon any of the following trademarks:

Registration Number	Trademark	Registration Type	Status
4,250,205	Breakfast Bonanza	Standard character mark.	Registered and incontestable.
5,950,166	Bucks and Bucks	Standard character mark.	Registered.
3,959,135	Bustin Vegas	Standard character mark.	Registered and incontestable.
4,272,335	Circus Party	Standard character mark.	Registered and incontestable.
4,162,262	Crazy Casino	Standard character mark.	Registered and incontestable.
4,070,405	Deep Sea Party	Design mark.	Registered and incontestable.

Registration Number	Trademark	Registration Type	Status
			
4,272,235	Dinosaur Hunter	Standard character mark.	Registered and incontestable
4,258,782	Fishing Mob	Standard character mark.	Registered and incontestable.
4,070,403	Four Leaf Cash	Standard character mark.	Registered and incontestable.
4,073,843	Goldorado	Standard character mark.	Registered and incontestable.
3,955,704	Hotter Than	Design mark. 	Registered and incontestable.
4,272,336	Ice Cream Mania	Standard character mark.	Registered and incontestable.
3,853,565	Lucky Duck	Design mark. 	Registered and incontestable.

Registration Number	Trademark	Registration Type	Status
4,272,210	Mama's Money	Standard character mark.	Registered and incontestable.
4,258,800	Plush Vampire	Standard character mark.	Registered and incontestable.
4,272,332	Ritzy Kitty	Standard character mark.	Registered and incontestable.
3,782,629	Robbin Some Cash	Standard character mark.	Registered and incontestable.
6,017,723	Rolling Hot Stones	Design mark. 	Registered.
4,118,449	Super Hot Hot Hot Chili Peppers	Standard character mark.	Registered and incontestable.
4,272,232	Vulcanus	Standard character mark.	Registered and incontestable.

- e. Using, copying, reproducing, marketing, distributing, selling, or offering to the public, or aiding or assisting others with using, copying, reproducing, marketing, distributing, selling, or offering to the public any goods, materials, or tangible items containing substantially all of or derived from source code of Legacy or of the Epic System.
- f. Using, copying, reproducing, marketing, distributing, selling, or offering to the public, or aiding or assisting others with using, copying, reproducing, marketing,

distributing, selling, or offering to the public any mark or combination of marks that are likely to cause confusion with those identified in (c)(ix) – (xiii) above.

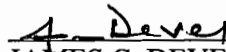
- g. Falsely representing that any product or software program is derived from Legacy.
- h. Taking any action to conceal any act or combination of acts that violate any of the foregoing including, but not limited to, the destruction of evidence or tampering with witnesses.

2. To the extent not already done so, Hall shall deliver all copies of the Epic System or any derivations thereof within their possession, custody, or control to Epic Tech's counsel within thirty (30) days of entry of this order.

3. Any violation of the terms of the injunction entered by this Court shall be immediately punishable by contempt upon a showing of cause, and this Court retains jurisdiction over the parties for purposes of enforcement of this order.

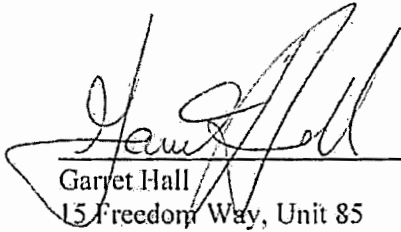
4. Pursuant to Federal Rule of Civil Procedure 65(d)(2), this Order only binds the Plaintiffs and Hall and any of Hall's officers, agents, servants, employees, and also persons who are in active concert with any of the foregoing who receive actual notice of this Order by personal service or otherwise.

SO ORDERED. This ~~14~~ day of November, 2023.



JAMES C. DEVER, III
United States District Judge

WE CONSENT:



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